



# STAY THE COURSE WITH THE MAGNUSON-STEVENSONS ACT AND REBUILD OUR FISHERIES

**Congress should reject so-called flexibility bills, because they would derail years of hard work to end overfishing and rebuild depleted U.S. ocean fish populations through the Magnuson-Stevens Fishery Conservation and Management Act.**

Thirty-six years after enactment of the law that is now known as the Magnuson-Stevens Fishery Conservation and Management Act (MSA), we are turning a corner on ending overfishing (taking fish faster than they can reproduce) and rebuilding our nation's valuable fish populations. The National Marine Fisheries Service (NMFS) reports that 23 depleted stocks have been rebuilt since 2000.<sup>1</sup> In addition, it has estimated that fully rebuilt U.S. fish populations would generate \$216 billion in annual sales impacts and support 2.5 million full- and part-time U.S. jobs in commercial and recreational fisheries.<sup>2</sup>

So-called flexibility bills—including H.R. 1646, the "American Angler Preservation Act"; H.R. 3061, the "Flexibility and Access in Rebuilding American Fisheries Act of 2011"; and S. 632, the "Flexibility in Rebuilding American Fisheries Act of 2011"—would undermine the bipartisan conservation provisions of the MSA by creating loopholes that could extend timelines indefinitely for rebuilding depleted fish populations. Doing so would raise fishing pressure on depleted populations while increasing the difficulty and cost of their recovery. These bills also would allow fishery managers to put short-term gains for a few ahead of the nation's investment in healthy fish populations, which provide income and jobs for many.

**Flexibility bills would undermine the critical economic and ecological benefits of rebuilt fish populations.**

Many regions across the country are beginning to reap the benefits of years of hard work to rebuild depleted fish stocks to healthy levels. For example, in the mid-Atlantic region, summer flounder was rebuilt in 2010, thanks to measures put in place to restore this once-depleted population.

However, in the name of "flexibility," H.R. 1646, H.R. 3061, and S. 632 would exempt fisheries from certain rebuilding requirements, delaying the economic and ecological benefits that healthy fish populations bring to coastal communities in the form of vibrant fisheries, fresh seafood, and greater fishing opportunities for anglers.

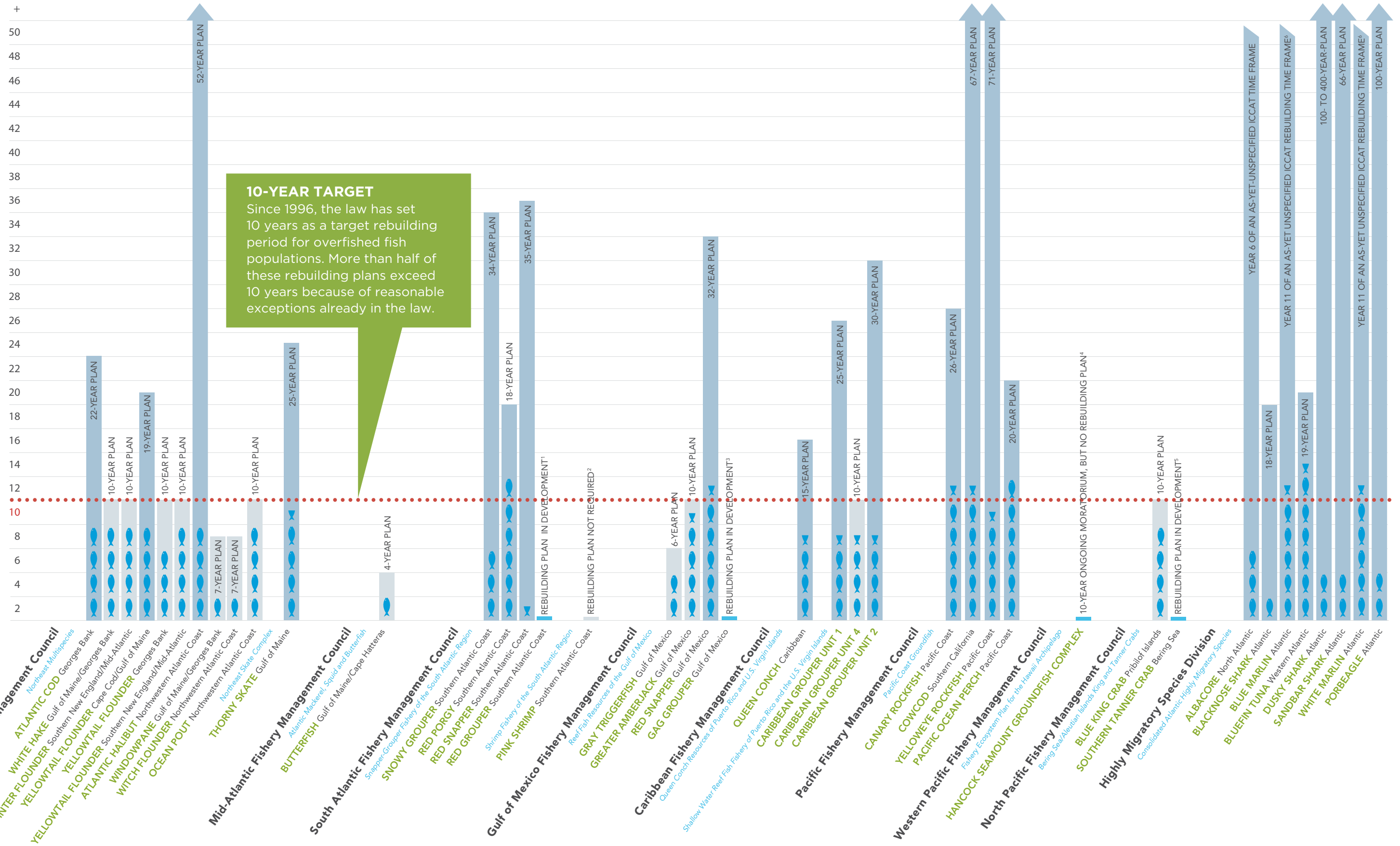
**The law already is flexible.**

After decades of costly fishery declines resulting from mismanagement, Congress amended the MSA in 1996. It now requires that the time to rebuild depleted fish populations be "as short as possible," but no more than 10 years, which was twice the time scientists calculated that a majority of fish populations required for rebuilding.<sup>3</sup> The law provides flexibility in meeting these rebuilding requirements, because it makes reasonable exceptions allowing the timeline to be exceeded to accommodate the biology of a fish stock, other environmental conditions, or management measures under an international agreement in which the United States participates. Regional fishery management councils, composed of local

# Rebuilding Plans for the 40 Commercially and Recreationally Important Species Known to be Overfished

 = 2 YEARS (PROGRESS TO DATE)

Rebuilding Timeline for Fish, in Years



Source: National Marine Fisheries Service, "2011 Status of U.S. Fisheries: Fourth Quarter Update," Dec. 31, 2011. <http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm>

fishing representatives and members of coastal state governments with support from scientific advisers, create rebuilding plans and have included these exceptions in many cases.

Some supporters of the flexibility bills claim that the MSA requires *any fishery* designated as overfished to be completely rebuilt within 10 years.<sup>4</sup> This is simply not true. **Because of the flexibility inherent in the MSA, more than half of the existing rebuilding plans already exceed 10 years.** (See chart, Pages 2-3.)

The rebuilding requirement represents a key conservation provision of the MSA and should not be undermined. Bills such as H.R. 1646, H.R. 3061, and S. 632 would harm, not help, fishermen by weakening the very fish populations upon which their livelihoods depend. Congress should reject these bills and instead help fishermen by investing in data collection and analysis to improve fisheries management and by supporting targeted efforts to help U.S. fishermen make the transition to long-term sustainability.

## Endnotes

<sup>1</sup> Testimony of NMFS Assistant Administrator Eric Schwaab on eight bills that would amend the Magnuson-Stevens Fishery Conservation and Management Act before the U.S. House Committee on Natural Resources, p. 1, December 1, 2011. [www.legislative.noaa.gov/Testimony/Schwaab120111.pdf](http://www.legislative.noaa.gov/Testimony/Schwaab120111.pdf).

<sup>2</sup> These numbers are a summation of the estimated impacts of rebuilding from Schwaab's testimony (citation 1, p. 3) and the comparable commercial and recreational estimates from the NMFS, Fisheries Economics of the U.S., 2006. [www.st.nmfs.noaa.gov/st5/publication/fisheries\\_economics\\_2006.html](http://www.st.nmfs.noaa.gov/st5/publication/fisheries_economics_2006.html).

<sup>3</sup> Safina, Carl, *et al.* "U.S. Ocean Fish Recovery: Staying the Course," *Science* 309:5735, p. 708, July 29, 2005. [www.sciencemag.org/content/309/5735/707.full](http://www.sciencemag.org/content/309/5735/707.full).

<sup>4</sup> Sen. Charles E. Schumer, press release, "Schumer to Introduce Legislation Allowing Much-Needed Flexibility in Federal Fishing Rules; Bill Crucial to Saving Long Island's Commercial and Recreational Fishing Industry," March 23, 2011. <http://schumer.senate.gov/record.cfm?id=332110&>.

## Timeline References

<sup>1</sup> The South Atlantic Fishery Management Council (SAFMC) was notified by the Southeast Regional Office on June 9, 2010, that red grouper is overfished. The SAFMC has two years from that date to implement a rebuilding plan for red grouper.

<sup>2</sup> Gulf of Mexico pink shrimp was determined to be overfished because the 2008 stock assessment estimated the parent stock levels to be less than 1/2 Bmsy. However, because shrimp are essentially an "annual crop," it would not be appropriate to develop a rebuilding plan for this stock.

<sup>3</sup> The Southeast Regional Office notified the Gulf of Mexico Fishery Management Council (GMFMC) on Aug. 11, 2009, that this stock is overfished. The GMFMC has two years from that date to implement a rebuilding plan for gag in the Gulf of Mexico.

<sup>4</sup> This stock complex does not have a formal rebuilding plan or time period for rebuilding. The fishery in the U.S. EEZ has been closed under sequential six-year moratoriums since the inception of the Fishery Management Plan (FMP) in 1986. Effective in December 2010, fishing for bottom fish and seamount groundfish at the Hancock Seamounts is prohibited until the stock is rebuilt. These measures are considered the de facto rebuilding plan.

<sup>5</sup> The North Pacific Fishery Management Council (NPFMC) was notified by the Alaska Regional Office on Oct. 1, 2010, that southern tanner crab is overfished. The NPFMC has two years from this date to implement a rebuilding plan for southern tanner crab in the Bering Sea.

<sup>6</sup> For the overfished North Atlantic blue and white marlins, Amendment 1 to the Atlantic Billfish FMP established a foundation to develop an international rebuilding plan. An international rebuilding plan with a two-phase approach was adopted in 2000 by the International Commission for the Conservation of Atlantic Tunas (ICCAT); Phase I has been implemented, while the United States continues to work toward its full implementation. It should be noted that the ICCAT rebuilding program does not satisfy all the requirements of the MSA. NMFS is continuing to work domestically to monitor its fisheries and promote conservation. The Standing Committee on Research and Statistics conducted assessments of blue and white marlin in 2006.

FOR MORE INFORMATION, PLEASE CONTACT: **LEE CROCKETT**, DIRECTOR OF FEDERAL FISHERIES POLICY, PEW ENVIRONMENT GROUP

PHONE: 202-552-2065 | EMAIL: [LCROCKETT@PEWTRUSTS.ORG](mailto:LCROCKETT@PEWTRUSTS.ORG) | PLEASE VISIT OUR WEBSITE FOR MORE RESOURCES: [WWW.ENDOVERFISHING.ORG](http://WWW.ENDOVERFISHING.ORG).